

OGC Has Reviewed

Chief, Personnel Branch
Thru: Exec. for A&M.
Assistant General Counsel

Paul B. ...
22 November 1948

Hiring of applicant formerly General Counsel of a sub-committee of the House Committee on Expenditures in the Executive Departments.

1. A request has been received from the Chief of Personnel as to whether it would be possible to hire an applicant who until quite recently served as the General Counsel of a sub-committee of the House Committee on Expenditures in the Executive Departments.
2. The question has been raised due to Section 202 (g) of the Legislative Reorganization Act of 1946, which states that:

"No individual who is employed as a professional staff member of any committee as provided in this section shall be eligible for appointment to any office or position in the executive branch of the Government for a period of one year after he shall have ceased to be such a member."
3. Mr. Alfred Klein, Chief Law Officer of the Civil Service Commission, has informed me unofficially that the Commission's position is that this prohibition is intended only to reach the permanent professional staff members of standing committees (envisaged in Section 202 (a) of the Act), and not to the professional staff members of sub-committees or special Congressional committees whose tenure of office is generally considered to be temporary. The basis of distinction lies in the concept of the Act that the four professional staff members should be permanent employees as distinguished from the temporary nature of sub-committee staffs.
4. A check of the Digest Section of the General Accounting Office reveals that there has been no decision by the GAO on this subject up to the present time.
5. For these reasons there are no legal objections at the present time to the employment of the applicant indicated in paragraph 1.

Walter L. Pforzheimer